

#5

4797-28

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lawrence P. Shields et al. Docket No.: 4034-57
Serial No.: 09/779,114 Examiner: To be assigned
Filed: February 8, 2001 Group Art Unit: To be assigned
Title: **SYSTEM AND METHOD FOR EXECUTION OF
TRADES MADE PURSUANT TO STOCK OPTION AND
PURCHASE PLANS**

Box SN
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. 1.47(a) IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTORS
ROBERT H. MAURER AND MICHAEL CRANOR

Sir:

Applicants respectfully petition the Commissioner of Patents to accept the signatures of the joint inventors of the subject application on behalf of non-signing inventors Robert H. Maurer and Michael Cranor.

Diligent effort was made to reach Robert H. Maurer at his last known address of 2 Crabtree Lane, Levittown, New York 17756. A declaration from the individual making such diligent effort to reach Robert H. Maurer is enclosed herewith.

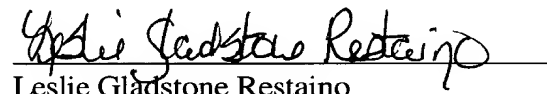
Diligent effort was made to reach Michael Cranor at his last known address of 1705 Blackjack Drive, Round Rock, Texas 78681. A declaration from the individual making such diligent effort to reach Michael Cranor is enclosed herewith.

Each of the signing inventors has additionally made a declaration on their own behalf as well as a declaration on behalf of the non-signing inventors. The additional declaration of Amod Bhargava on behalf of the non-signing inventors is not included, but will be forwarded as a supplemental amendment. The declarations made on behalf of the non-signing inventors are attached to the combined declaration and power of attorney submitted herewith.

In view of the diligent effort made to reach the non-signing inventors, applicants respectfully submit that the application should proceed without the signatures of Robert H. Maurer and Michael Cranor.

The Commissioner is hereby authorized to charge Deposit Account 02-4270 the \$130.00 fee associated with this Petition for under 37 C.F.R. 1.47(a) in support of filing on behalf of non-signing inventors Keith Carsten, Robert H. Maurer and Michael Cranor. This form is being submitted in triplicate.

Respectfully submitted,
LAWRENCE P. SHIELDS ET AL.



Leslie Gladstone Restaino

Reg. No. 38,893

Brown Raysman Millstein Felder & Steiner LLP
55 Madison Avenue, 4th Floor
Morristown, NJ 07960



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1200 Harbor Boulevard, 10th floor
Weehawken, New Jersey 07087
201.352.6341
201.352.7247
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May 4, 2001

VIA FEDERAL EXPRESS

Robert Maurer
Two Crabtree Lane
Levittown, New York 11756

Re: U.S. and PCT Patent Applications for: **STOCK OPTION PURCHASE
PLANS
CONSULTWORKS
CONSULTNET**

Dear Bob:

Enclosed are documents for your signature for the above-referenced patent applications. Please sign where indicated and return to me in the enclosed Federal Express envelope. Please note that some of the documents need to be signed in the presence of a notary.

If you have any questions, please call me at (201) 352-6881.

Very truly yours,

A handwritten signature in cursive script that reads "Clara L. Navarrete".

Clara L. Navarrete
Senior Intellectual Property Administrator

CLN:cln
Enclosures

From: LEGAL DEPARTMENT (201) 352-6644
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Two Crabtree Lane

Levittown, NY, 11756

Ref: 228

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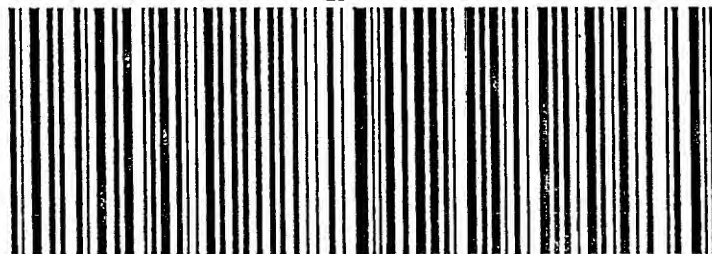
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- Signed For By : 5507830
- Status Exception : Release signature on file
- Scan Activity :
 - Delivered HICKSVILLE NY 05/07/2001 09:34
 - Delivered with Exception HICKSVILLE NY 05/07/2001 09:34
 - Placed on Van HICKSVILLE NY 05/07/2001 08:03
 - Pkg. Status Exception HICKSVILLE NY 05/05/2001 07:56
 - Arrived at FedEx Destination Location HICKSVILLE NY 05/05/2001 07:56
 - Left FedEx Sort Facility NEWARK NJ 05/05/2001 00:56
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ATTORNEY WORK PRODUCT**

May 4, 2001

VIA FEDERAL EXPRESS

Michael Cranor
1705 Blackjack Drive
Round Rock, Texas 78681

Re: Stock Option Finance Patent Application

Dear Mr. Cranor:

Enclosed are the filing documents for the above-referenced patent application for your signature. Please note that some of the documents must be signed in the presence of a notary. Please return the signed documents to me in the enclosed Federal Express envelope.

If you have any questions, please call me at (201) 352-6881. thank you for your continued assistance with this matter.

Very truly yours,

A handwritten signature in cursive script that reads 'Clara L. Navarrete'.

Clara L. Navarrete
Senior Intellectual Property Administrator

Enclosures

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1200 HARBOR BOULEVARD

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1705 Blackjack Drive

Round Rock, TX, 78681

Ref: 228



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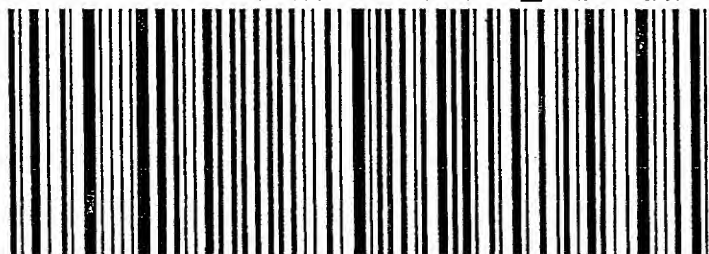
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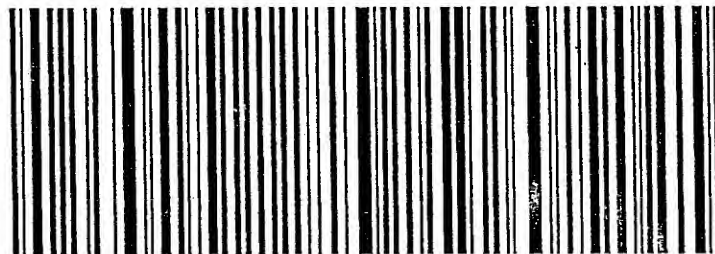
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- Delivery Date : 05/07/2001
- Delivery Time : 09:24
- Signed For By : M.CRANOR
- Status Exception : Pkg not due for delv/no attempt
- Scan Activity :
 - Delivered AUSTIN TX 05/07/2001 09:24
 - Placed on Van AUSTIN TX 05/07/2001 07:38
 - Left FedEx Ramp AUSTIN TX 05/05/2001 07:13
 - Pkg. Status Exception AUSTIN TX 05/05/2001 08:38
 - Arrived at FedEx Destination Location AUSTIN TX 05/05/2001 07:30
 - Arrived at FedEx Destination Location AUSTIN TX 05/05/2001 08:27
 - Left FedEx Sort Facility MEMPHIS TN 05/05/2001 03:10
 - Left FedEx Sort Facility MEMPHIS TN 05/05/2001 00:36
 - Left FedEx Sort Facility MEMPHIS TN 05/05/2001 00:24
 - Arrived at Sort Facility MEMPHIS TN 05/05/2001 01:04
 - Left FedEx Origin Location MOONACHIE NJ 05/04/2001 19:25
 - Pickup Exception MOONACHIE NJ 05/04/2001 18:09

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Navarrete, Clara

From: Michael Cranor [michael_cranor@prusec.com]
Sent: Wednesday, May 09, 2001 4:08 PM
To: Navarrete, Clara
Subject: Re: SOF Application

Clara,

I tried to contact you by phone.

Would it be possible for me to receive a copy of the employment or other agreement I signed where I agreed to sign off on a patent document? I still don't recall when such a process was initiated or when I signed such a document.

Thanks, Mike

"Navarrete, Clara" <cnavarre@PaineWebber.com>
Thursday February 8, 2001 09:23 AM
To: Michael Cranor/PSG/Prudential@Prudential
cc:
Subject: SOF Application

This message is: PRIVILEGED AND CONFIDENTIAL

Mike,

We are planning to file the application at noon today. Please advise if you have any comments. If we do not receive any comments, we will assume that you have no comments and will sign the documents I will forward to you next week.

If you have any questions, please call me.

Clara L. Navarrete
Sr. Intellectual Property Administrator
Asst. Vice President
PaineWebber Incorporated
Legal Department
1200 Harbor Blvd., 10th Floor
Weehawken, New Jersey 08807
(201) 352-6881
(201) 352-7247 (fax)
cnavarre@painewebber.com



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June 1, 2001

VIA FEDERAL EXPRESS

Michael Cranor
1705 Blackjack Drive
Round Rock, Texas 78681

Re: Stock Option Finance Patent Application

Dear Mr. Cranor:

I received your email of May 9, 2001, requesting a copy of the employment or other agreement you signed where you agreed to sign off on a patent document. I did not respond by email since this is a confidential matter and the email was received from your workplace.

In response to your question, I can direct you to the Code of Conduct that is acknowledged in writing each year by every employee. Each year that you were employed here you signed an acknowledgement of reading the Code of Conduct.

As of this date, I have not received the documents for the above-referenced patent application for your signature that I sent to you on May 4, 2001. Please advise if there is a problem with the documents.

If you have any questions, please call me at (201) 352-6881 or by email at cnavarre@ubspainewebber.com. Thank you for your continued assistance with this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Clara L. Navarrete".

Clara L. Navarrete
Senior Intellectual Property Administrator

From: LEGAL DEPARTMENT (201) 352-6644
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To: Michael Cranor (000)000-0000SHIP DATE: 01JUN01
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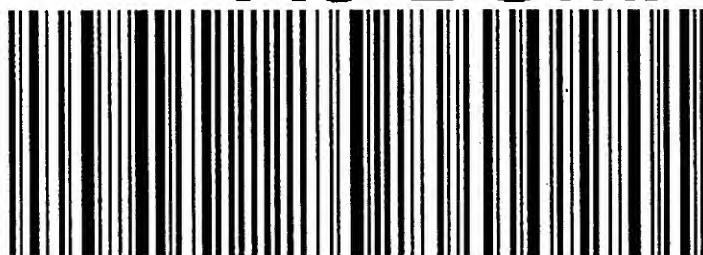
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- **Delivery Time : 11:07**
- **Signed For By : 6008504**
- **Status Exception : Release signature on file**
- **Scan Activity :**
 - Arrived at FedEx Ramp AUSTIN TX 06/02/2001 05:29
 - Left FedEx Sort Facility MEMPHIS TN 06/02/2001 00:50
 - Left FedEx Sort Facility MEMPHIS TN 06/02/2001 00:42
 - Delivered AUSTIN TX 06/02/2001 11:07
 - Delivered with Exception AUSTIN TX 06/02/2001 11:07
 - Placed on Van AUSTIN TX 06/02/2001 08:30
 - Arrived at Sort Facility MEMPHIS TN 06/02/2001 00:02
 - Left FedEx Sort Facility NEWARK NJ 06/01/2001 21:05
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May 25, 2001

VIA FEDERAL EXPRESS

Robert Maurer
Two Crabtree Lane
Levittown, New York 11756

Re: U.S. and PCT Patent Applications for: **STOCK OPTION PURCHASE
PLANS
CONSULTWORKS
CONSULTNET**

Dear Bob:

On May 4th I forwarded documents for your signature for the above-referenced patent applications. As of this date I have not received the signed documents. Please let me know if you did not receive them or if there is a problem with the documents.

If you have any questions, please call me at (201) 352-6881 or at
cnavarre@ubspainewebber.com.

Very truly yours,

A handwritten signature in cursive script that reads 'Clara L. Navarrete'.

Clara L. Navarrete
Senior Intellectual Property Administrator

CLN:cln
Enclosures

From: LEGAL DEPARTMENT (201) 352-6644
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1200 HARBOR BOULEVARD

WEEHAWKEN, NJ, 07087

To: Robert Maurer (000)000-0000

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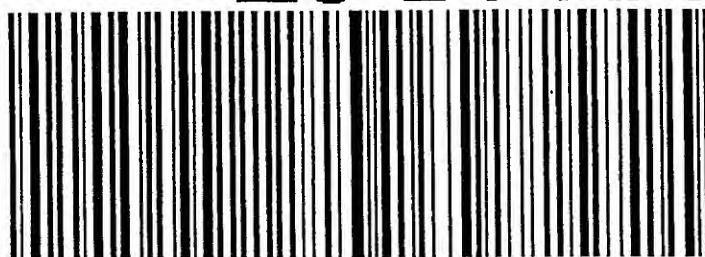
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- **Delivery Date : 05/29/2001**
- **Delivery Time : 09:30**
- **Signed For By : L.CANNELLA**
- **Status Exception : Pkg not due for delv/no attempt**
- **Scan Activity :**
 - Arrived at Sort Facility NEWARK NJ 05/25/2001 22:20
 - Arrived at Sort Facility NEWARK NJ 05/25/2001 22:20
 - Delivered HICKSVILLE NY 05/29/2001 09:30
 - Placed on Van HICKSVILLE NY 05/29/2001 08:00
 - Pkg. Status Exception HICKSVILLE NY 05/26/2001 08:05
 - Arrived at FedEx Destination Location HICKSVILLE NY 05/26/2001 08:05
 - Left FedEx Sort Facility NEWARK NJ 05/26/2001 00:38
 - Left FedEx Origin Location MOONACHIE NJ 05/25/2001 22:41
 - Picked up MOONACHIE NJ 05/25/2001 16:51

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6/5/2001

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **791569470604**. Our records reflect the following information.

Delivery Information:

Signed For By: L.CANNELLA

Delivery Location: 2 CRABTREE LN

Delivery Date: May 29, 2001

Delivery Time: 0930

Shipping Information:

Tracking No: 791569470604

Ship Date: May 25, 2001

Recipient:

ROBERT MAURER

TWO CRABTREE LANE

LEVITTOWN, NY 11756

US

Shipper:

LEGAL DEPARTMENT

PAINEWEBBER/LEGAL DEPT

1200 HARBOR BLVD STE 10

WEEHAWKEN, NJ 070876728

Shipment Reference Information:

228

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4797-28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of: Lawrence P. Shields et al. Docket No.: 4034-57
Serial No.: 09/779,114 Examiner: To be assigned
Filed: February 8, 2001 Group Art Unit: To be assigned
Title: **SYSTEM AND METHOD FOR EXECUTION OF
TRADES MADE PURSUANT TO STOCK OPTION AND
PURCHASE PLANS**

Box SN
Assistant Commissioner for Patents
Washington, D.C. 20231

**DECLARATION UNDER 37 C.F.R. 1.47(a) IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTORS
ROBERT H. MAURER AND MICHAEL CRANOR**

Sir/Madam:

I, CLARA L. NAVARRETE, hereby declare and state as follows:

1. I am employed with UBS PaineWebber Inc., 1200 Harbor Blvd., 10th Floor, Weehawken, New Jersey 07087, as a Senior Intellectual Property Administrator in the Legal Department. In this capacity, I am responsible for attending to the formal requirements (i.e., distributing patent application to inventors for review and attending to signatures on the declarations and assignments) for new and pending patent applications.
2. I am responsible for administrating the above-identified patent application. Associated tasks include distributing the application to all of the named inventors for review and execution of the formal papers, namely, the combined declaration/power of attorney and the assignment.
3. I successfully obtained the signatures of inventors Lawrence P. Shields, Amod Bhargava, George Brewster, James A. Humza and James P. Mooney on the declaration/power of attorney and assignment, but I was unable to obtain the signatures of Robert H. Maurer and Michael Cranor.
4. When the original declaration sheets were prepared, I was unable to locate Keith Carsten, but I have since located him and he has signed the necessary papers.

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5. This statement is made to establish the facts regarding the attempts of either myself or one of my employees to reach Robert H. Maurer (hereinafter "Maurer") and Michael Cranor (hereinafter "Cranor").
6. On May 4, 2001, I sent letter packages to Maurer and Cranor with the documents to sign for U.S. Application No. 09/779,114. A self-addressed return Federal Express envelope for returning the document to me was included in the letter package. Copies of the letters dated May 4, 2001 to each inventor, along with the Federal Express receipts and tracking information for the letter packages are attached hereto as Exhibit "A."
7. Maurer did not respond to the May 7, 2001 correspondence.
8. On May 9, 2001, I received the e-mail attached as Exhibit "B" from Cranor. I did not respond by e-mail since he now works for a competitor, Prudential Services, and that was where the e-mail originated. I sent a written response to Cranor's May 9 e-mail on June 1, 2001, a copy of which is attached as Exhibit "C."
9. On May 25, 2001, I sent a follow-up letter to Maurer, asking him to return the executed documents for the application. The letter was delivered to Maurer on May 29, 2001, and was signed for by L. Cannella. A copy of the Federal Express receipt, tracking information and the signature of L. Cannella are attached hereto as Exhibit "D."
10. Maurer did not respond to the May 25, 2001 letter.
11. On June 6, 2001, I made one last attempt to reach Maurer. I called his home residence and a woman answered and advised me that he was not present, but, however, acknowledged that he had received our May 7 and 25, 2001 correspondence. I advised the woman that we would be filing the papers relating to the patent application and that he must respond to me today if he wanted to sign the pertinent papers.
12. Maurer did not respond to all of our attempts to reach him.

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13. Cranor did not respond to my June 1, 2001 letter with the signed formal papers. Instead, I received a voice message from him when I came into the office on June 6, 2001. The voice message stated that he had reviewed the UBS PaineWebber employee code conduct and could not find language requiring him to sign any patent applications or related documents after he left the employ of UBS PaineWebber. Accordingly, I called Cranor at his place of business, and we discussed his concerns regarding his signature on the patent application and related documents. He stated that he would not sign the documentation as he now works for a competitor, Prudential Securities, and was concerned that he would be jeopardizing his job by signing the UBS PaineWebber documents at this juncture.

I hereby declare that the foregoing statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: June 7, 2001

Respectfully submitted,

Clara L. Navarrete
Clara L. Navarrete

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